MAIL STOP AF TC. S



# RESPONSE UNDER 37 C.F.R. § 1.116 **EXPEDITED PROCEDURE EXAMINING GROUP 3700**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

R.J. Crowley

Attorney Docket No.: BSME125003

Application No.: 08/922,263

Art Unit: 3735 / Confirmation No.: 1365

Filed:

September 2, 1997

Examiner: D.M. Shay

Title:

INTERVENTIONAL PHOTONIC ENERGY EMITTER SYSTEM

## TRANSMITTAL LETTER FOR RESPONSE AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Seattle, Washington 98101 June 27, 2006

### TO THE COMMISSIONER FOR PATENTS:

#### Response Transmittal Α.

Transmitted herewith is a response to an Office Action in the above-identified application. No additional claim fee is required.

#### Additional Fee Charges or Credit for Overpayment B.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

Respectfully submitted,

CHRISTENSEN O'CONNOR JOHNSON KINDNESSPLLC

Laura A. Cruz

Registration No. 46,649

Direct Dial No. 206.695.1725

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

LXC:mmw

LAW OFFICES OF CHRISTENSEN O'CONNOR JOHNSON KINDNESSPLLC

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# RESPONSE TO FINAL REJECTION AND REQUEST TO WITHDRAW FINALITY OF THE OFFICE ACTION MAILED ON MARCH 27, 2006

Seattle, Washington 98101

June 27, 2006

### TO THE COMMISSIONER FOR PATENTS:

### REMARKS

This paper is filed in response to the final rejection mailed on March 27, 2006. Currently, Claims 1, 5, 7, 15, 17, 20-30, 32-44, 47, 48, 52, 53, and 63-65 are pending in the application. Of these, Claims 20-30, 32-44, 47, 48, 52, 53, 64, and 65 are withdrawn from consideration. Claims 1, 5, 7, 15, 17, and 63 have been examined and stand rejected. Reconsideration of Claims 1, 5, 7, 15, 17, and 63-65 is respectfully requested.

## The Finality of the Office Action Should Be Withdrawn

A withdrawal of the finality of the Office Action mailed on March 27, 2006 is requested. Citing from M.P.E.P § 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).